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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,250	12/04/2001	Steve Lee	LSI-108	5052

7590 04/14/2003

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EXAMINER

TSIDULKO, MARK

ART UNIT PAPER NUMBER

2875

DATE MAILED: 04/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/006,250

Applicant(s)

LEE ET AL.

Examiner

Mark Tsidulko

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10 and 12-17 is/are rejected.
- 7) ☒ Claim(s) 9, 11 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. The submission of the amendment filed on 1/14/03 is acknowledged. At this point all claims left unchanged and are at issue in the instant application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (U.S. 6,247,829) in view of Henning et al. (U.S. 4,598,229) and Hilderman (U.S. 5,030,100).

2. Referring to Claims 1, 4, 5 Lee discloses (Fig. 7) a decorative light bulb [30] having an outer surface forming a decorative shape. Inert gas within the bulb creates ethereal electrical arcing having a color (col. 2, lines 23-29).

Lee discloses the instant claimed invention except for:

- a surface feature formed on an outer surface of bulb and having an inner surface;
- a coating applied on the inner surface of the surface feature for the second color along an inner surface of the surface feature.

Hilderman discloses (Fig. 4, col. 5, lines 26-39) a lighted globe having spherical body and a surface feature [26] mounted on an outer surface of spherical body. The surface feature has an

inner surface and outer surface, which provides an enhanced appearance of the earth's surface showing a plurality of contoured continents.

Henning et al. disclose a lamp having a coating (col.1, lines 36-38) on an inner surface.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the coating of Henning et al. on the inner surface of the surface feature of Hilderman for decorative light bulb of Lee in order to obtain the colored ethereal electrical arcing along the inner surface of surface feature.

3. Referring to Claim 2 Lee discloses (Fig.7) a decorative light bulb having a plug [21] removably connected with respect to a base.

4. Referring to Claim 3 Lee lacks a showing of a plurality of lighting modules. It would have been obvious to one having ordinary skill in the art to provide a plurality of light bulbs since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

5. Referring to Claims 6-8 Lee teaches that a lamp apparatus allows interchangeability of plugs with a bulb having a different size, shape and configuration (col.2, lines 27-29).

It would have been an obvious matter of design choice to provide different decorative shapes of the bulbs as taught by Lee for purpose of aesthetic appearance.

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6. Referring to Claim 9 It is well known in the art and technology that the thickness of the phosphor coating on the inner surface of the light bulb is thin enough to be invisible from the outside of the bulb.

Claims 10, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (U.S.6,247,829) in view of Henning et al.(U.S. 4,598,229) and Hilderman (U.S. 5,030,100).

7. Referring to Claim 10 Lee discloses ((Fig.7) a decorative light bulb [30] having an outer surface forming a decorative shape. Inert gas within the bulb creates ethereal electrical arcing having a color (col.2, lines 23-29).

Lee discloses the instant claimed invention except for:

- bulb has outer surface forming a globe;
- a plurality of contoured continents having an inner surface and formed on the outer surface of the bulb;
- a phosphor coating applied on the inner surface of the contoured continents and resulting in electrical arcing having a green color.

Hilderman discloses (Fig. 4, col.5, lines 26-39) a lighted globe having spherical body and a surface feature [26] mounted on an outer surface of spherical body. The surface feature has an inner surface and outer surface, which provides an enhanced appearance of the earth's surface showing a plurality of contoured continents.

Henning et al. disclose a lamp having a green-emitting phosphor coating (col.1, lines 36-38) on an inner surface.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made to provide the green-emitting phosphor coating of Henning et al. on inner surface of surface feature of Hilderman for decorative light bulb of Lee in order to obtain green color along the inner surface of the contoured continents.

8. Referring to Claim 11 Lee discloses a decorative light bulb (Fig.7) made of translucent glass. Lee also shows that bulb may be made of suitable material being transparent or translucent, of any size, shape and color (col.4, lines 61-65).

It would have been obvious to one having ordinary skill in the art, at the time the invention was made to provide the decorative bulb wherein the outer surface and a plurality of contoured continents are formed of a translucent colored glass.

9. Claims 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee, Henning et al and Hilderman.

These references in a combination disclose structure of decorative light bulb but do not disclose a method of manufacturing. It would have been obvious to one having ordinary skill in the art, at the time the invention was made to take the steps of structure of decorative light bulb above and provide a method of manufacturing of this bulb since a prior art of record teaches or suggests:

- Lee shows a bulb whose outer surface is formed into a decorative shape (Fig.7) that may have different shape and configuration (col.2, lines 27-29) and inert gas

(col.2, lines 23-29) within the bulb, a plug removably connected with respect to a base;

- Hilderman shows using a surface feature [26] having an inner and outer surfaces;
- Henning et al. shows a phosphor coating (col.1, lines 36-38).

Response to Arguments

Applicant's arguments filed on 1/14/03 have been fully considered but they are not persuasive.

10. There is no showing of facts to establish reduction to practice prior to the effective date of the reference coupled with due diligence. Applicants have sworn behind the Patented date of June 19, 2001. In order for the Declaration to be effective, applicants must swear behind the filing date (Jan.5, 2000) and then provide evidence of due diligence i.e. if they invented the subject matter prior to Jan.5, 2000, why did it take until December 2001 to file for the patent? What was occurring between Jan.5, 2000 and Dec. 10, 2001? These questions are concerned with the due diligence process. Applicants should consult with the MPEP (section 715).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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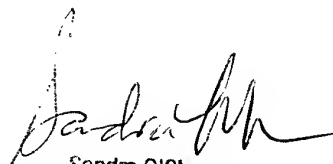
MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (703)308-1326. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

M.T.
March 24, 2003


Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800